

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ZACKERY SCOTT RUSSELL,

Plaintiff,

v.

AMY JO FISHER and EDWIN ROSS,

Defendants.

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ORDER

11-cv-645-wmc

Plaintiff Zackery Russell, a prisoner at the Oshkosh Correctional Institution in Oshkosh, Wisconsin, has submitted a pleading styled as a civil rights complaint brought under 42 U.S.C. § 1983. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was submitted on September 19, 2011. Plaintiff's trust fund account statement should cover the six-month period beginning approximately March 19, 2011 and ending approximately September 19, 2011. On his complaint, plaintiff identifies his present place of confinement as Columbia Correctional Institution in Portage, Wisconsin, however the envelope plaintiff mailed his pleadings to the court in, shows a return address of Oshkosh Correctional Institution and the court has verified with the Wisconsin Department of Corrections Master Records Office, that plaintiff is currently housed at Oshkosh Correctional.

For plaintiff's information, when a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he must obtain a

trust fund account statement “from the appropriate official of each prison at which [he] is or was confined” during the relevant period. Therefore, if plaintiff was incarcerated at the Columbia Correctional Institution or any other institution between March 19, 2011 and September 19, 2011, he will have to write to that institution, to request a certified copy of his trust fund account statement for the relevant period. Once plaintiff has submitted the necessary statements, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send a copy of plaintiff’s six-month trust fund account statement to this court.

#### ORDER

IT IS ORDERED that plaintiff Zackery Russell may have until October 19, 2011, in which to submit a trust fund account statement for the period beginning March 19, 2011 and ending September 19, 2011. If, by October 19, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff’s filing his case at a later date.

Entered this 21<sup>st</sup> day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge